



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 5, 1995

Ms. Judith A. Hunter
Paralegal
City Attorney's Office
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-0409

OR95-1045

Dear Ms. Hunter:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 36104.

The City of Georgetown (the "city") received an open records request for a particular offense report and arrest report prepared by the city's police department. You inform us that you have released the front page of the offense report and the booking slip.¹ You state that the police department informed you that it had forwarded the file to the county attorney for review. Additionally, you state that you contacted the county attorney who informed you that it is anticipating that charges will be filed in this case. You contend that pursuant to section 552.108 you may withhold the information not already released from the requestor. You submit for our review a copy of the requested information.

In an open criminal case, section 552.108 exempts from disclosure all information except that generally found on the first page of the offense report. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Once a case is closed, information may be withheld under section 552.108 only if its release "will unduly interfere with law enforcement or crime prevention." Open Records Decision No. 553 (1990) at 4 (and cases cited therein).

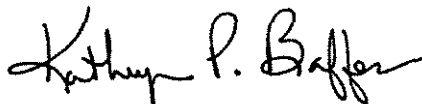
¹We assume that the booking slip you refer to in your letter to this office is the document titled arrest report submitted as exhibit B.

You have demonstrated that the case at issue is currently under active investigation. Therefore, you may withhold all the requested information except that generally found on the first page of the offense report.

We note that *Houston Chronicle* requires that a detailed description of the offense be made available to the public. To determine what information must be released, the type of information is determinative rather than its location in the related documents. All information identified as first-page offense report information in *Houston Chronicle* must be released regardless of where its location in the report. See Open Records Decision No. 394 (1983) at 3-4. We note that the narrative on the front page of the offense report does not suffice as a detailed description of the offense. Consequently, you must release a detailed description of the offense regardless of its location in the records. You may withhold any remaining information that is not of the type typically found on the front page of an offense report. See *Houston Chronicle Publishing Co.*, 531 S.W.2d at 177.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kathryn P. Baffes
Assistant Attorney General
Open Records Division

KPB/rho

Ref: ID# 36104

Enclosures: Submitted documents

cc: Mr. Jason Pierce
Rt. 1, Box 197J
Georgetown, Texas 78626
(w/o enclosures)